

at this critical time. This truly is the last best chance for peace.

Sincerely,

GEORGE BUSH.

#### JOINT RESOLUTION

Whereas the Government of Iraq without provocation invaded and occupied the territory of Kuwait on August 2, 1990;

Whereas both the House of Representatives (in H.J. Res. 658 of the 101st Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress) have condemned Iraq's invasion of Kuwait and declared their support for international action to reverse Iraq's aggression;

Whereas, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace;

Whereas the international community has demanded that Iraq withdraw unconditionally and immediately from Kuwait and that Kuwait's independence and legitimate government be restored;

Whereas the United Nations Security Council repeatedly affirmed the inherent right of individual or collective self-defense in response to the armed attack by Iraq against Kuwait in accordance with Article 51 of the United Nations Charter;

Whereas, in the absence of full compliance by Iraq with its resolutions, the United Nations Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area; and

Whereas Iraq has persisted in its illegal occupation of, and brutal aggression against Kuwait; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force Against Iraq Resolution".

#### SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.

(b) REQUIREMENT FOR DETERMINATION THAT USE OF MILITARY FORCE IS NECESSARY.—Before exercising the authority granted in subsection (a), the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the United Nations Security Council resolutions cited in subsection (a); and

(2) that those efforts have not been and would not be successful in obtaining such compliance.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—nothing in this resolution supersedes any requirement of the War Powers Resolution.

#### SEC. 3. REPORTS TO CONGRESS.

At least once every 60 days, the President shall submit to the Congress a summary on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council in response to Iraq's aggression.

Approved January 14, 1991.

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. REID. Will the chairman yield for a question?

Mr. STEVENS. I am happy to yield.

Mr. REID. I wonder if the chairman could attempt to get clearance from the two leaders—maybe one way to move this along is to vote on the underlying motion to table that will be made shortly.

Mr. STEVENS. I am pleased to do that, but we have to check with both sides to see about the timing. I hope the Senator will help me on that. I will check, also, to see if we can get an agreement as to when that should be.

At the present time, am I correct, Mr. President, the pending business is the Murkowski amendment?

The PRESIDING OFFICER. That is correct.

Mrs. HUTCHISON. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas is recognized for a parliamentary inquiry.

Mrs. HUTCHISON. Where in the line is the Hutchison amendment?

Mr. STEVENS. The Hutchison amendment was put aside. It is my understanding, I say to the Senator from Texas, it was put aside so we could proceed with the balance of the supplemental. It will be the last amendment to be considered. It could be called up by requesting the regular order by either the majority leader or myself.

Mrs. HUTCHISON. At some point following the Murkowski amendment, I would like the opportunity to address my amendment and set it aside.

Mr. STEVENS. Is my understanding correct that the amendment of the Senator from Texas is set aside?

The PRESIDING OFFICER. It is set aside, subject to being called back by the Senator from Texas or the Senator from Alaska.

Mr. STEVENS. Very well. Then the Senator has that right. It was not my understanding at the time, but I am prepared—I am not prepared to yield this floor until I can find out how we can get back to getting some votes and get these matters resolved and finish this bill tonight.

I know my colleague is seeking to be recognized. There was a Senator who was supposed to come over and make a motion to table the amendment of my colleague. As my colleague knows, I don't do that.

Mr. MURKOWSKI. Will the floor manager yield for a question?

The PRESIDING OFFICER. Will the Senator from Alaska yield to the Senator from Alaska?

Mr. STEVENS. Mr. President, it would be my pleasure at this time to yield briefly to my colleague for a question.

Mr. MURKOWSKI. What I am attempting to do is accommodate the floor manager by advising him that we are certainly ready for a vote on a tabling motion, so that you can advise Members of the scheduled for the balance of the evening. Maybe we can get a time certain.

Mr. STEVENS. I say to my friend and colleague that we are checking out the time of 6:45. I hope that clears. It is my understanding that Senator REID will make the motion to table the amendment of the Senator from Alaska. I could at this time start with the process of reviewing some of these amendments in my manager's package.

Mr. MURKOWSKI. I wonder if I could pretty much count on that. I would like to leave for about 20 minutes.

Mr. STEVENS. My friend can be assured that it won't happen before 6:45. Mr. President, I yield to the Senator from Nevada for the purpose of making a motion to table.

Mr. REID. Mr. President, on behalf of the Senator from Montana, Senator BAUCUS, I move to table the Murkowski amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote occur at 6:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 113 WITHDRAWN

Mr. STEVENS. Mr. President, I ask unanimous consent to vitiate Senate action on amendment No. 113 and ask that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have the manager's package that I mentioned, which includes 10 amendments. As I have said, we tried our best to clear these amendments throughout the Senate. I hope the Senate will agree to this package. It has been cleared on both sides.

First is an amendment by Senator HELMS to appropriate, with a corresponding rescission, funds for the U.S. Commission on International Religious Freedom. Second is an amendment by Senator GRASSLEY to appropriate, with a corresponding rescission, funds for regional applications programs, consistent with the direction and the report to accompany Public Law 105-277. Third is an amendment by myself to allow military technicians, while deployed, to receive per diem expenses. Fourth is an amendment by myself clarifying the intent of the fiscal year 1998 and 1999 Interior and related agency appropriations bills in relation to Pike's Peak Summit House. Fifth is an amendment by Senator GREGG in relation to an issue for renewal of fishing permits and fishing

vessel operations. Sixth is an amendment on behalf of the minority leader dealing with reprogramming of funds by the Corps of Engineers. Seventh is an amendment by myself dealing with the authority to release aircraft by the Department of Defense. Eighth is an amendment on behalf of Senators ENZI and BINGAMAN providing funds and appropriate rescission for the Livestock Assistance Program. Ninth is an amendment on behalf of Senators BINGAMAN and ENZI providing emergency relief to the domestic oil and gas industry. Tenth is an amendment by Senator DOMENICI and others establishing an emergency oil and gas guaranteed loan program.

AMENDMENTS NOS. 132 THROUGH 141, EN BLOC

Mr. STEVENS. Mr. President, I send these 10 amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 132 through 141, en bloc.

The amendments are as follows:

#### AMENDMENT NO. 132

(Purpose: To appropriate, with a rescission, funds for the United States Commission on International Religious Freedom)

On page 30, between lines 10 and 11, insert the following:

#### CHAPTER 7

#### DEPARTMENT OF STATE RELATED AGENCY

#### UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-282), \$3,000,000, to remain available until expended: *Provided*, That the amount of the rescission under chapter 2 of title III of this Act under the heading "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" is hereby increased by \$3,000,000.

#### AMENDMENT NO. 133

(Purpose: Climate research)

At the appropriate place, insert the following:

On page 24, line 2, after "expended." insert the following:

"*Provided further*, That from unobligated balances in this account available under the heading 'climate and global change research', \$2,000,000 shall be made available for regional applications programs at the University of Northern Iowa consistent with the direction in the report to accompany Public Law 105-277."

On page 38, line 13, strike "\$2,000,000" and insert "\$1,000,000".

#### AMENDMENT NO. 134

(Purpose: To allow military technicians while deployed to receive per diem expenses)

On page 27, line 12, insert the following:

SEC. . Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5 may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in

lieu of commutation for subsistence and quarters as described in Section 1002(b) of title 37, United States Code.

#### AMENDMENT NO. 135

At the end of Title II of the bill insert the following:

"SEC. . A payment of \$800,000 from the total amount of \$1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105-337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, P.L. 105-83, and payments of \$2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and \$200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105-825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in Division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities."

#### AMENDMENT NO. 136

At the appropriate place in title II insert:

SEC. . Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended—

(1) by striking subsection (a) and inserting in lieu thereof the following:

"(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both)"; and

(2) in subsection (b), by striking "subsection (a)(1)" and inserting "subsection (a)".

#### AMENDMENT NO. 137

At the appropriate place at the end of Title II, insert:

SEC. . The Corps of Engineers is directed to reprogram \$800,000 of the funds made available to that agency in Fiscal Year 1999 for the operation of The Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to the tribes and state of South Dakota, and to provide the Lower Brule Sioux Tribe and Cheyenne River Sioux Tribe with funds to begin protecting invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

#### AMENDMENT NO. 138

(Purpose: To provide limited operational leasing authority to the Secretary of the Air Force)

In the appropriate place in the bill, insert the following new section:

#### "SEC. . OPERATIONAL SUPPORT AIRCRAFT MULTI-YEAR LEASING DEMONSTRATION PROJECT."

"(a) AUTHORITY TO LEASE.—Effective on or after October 1, 1999, the Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A-11.

"(b) MAXIMUM LEASE TERM FOR MULTI-YEAR LEASE.—The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

"(c) COMMERCIAL TERMS.—The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a non-governmental lessor to a non-governmental lessee.

"(d) TERMINATION PAYMENTS.—The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

"(e) OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law—

"(1) an obligation need not be recorded upon entering into a lease under this section, in order to provide for the payments described in subsection (d) above, and

"(2) any payments required under a lease under this section, and any payments made pursuant to subsection (d) above, may be made from—

"(A) appropriations available for the performance of the lease at the time the lease takes effect;

"(B) appropriations for the operation and maintenance available at the time which the payment is due; and

"(C) funds appropriated for those payments.

"(f) OTHER AUTHORITY PRESERVED.—The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section."

#### AMENDMENT NO. 139

(Purpose: To provide emergency relief to the livestock industry)

At the appropriate place in title II of the bill, insert the following:

"SEC. . For an additional amount for the Livestock Assistance Program under Public Law 105-277, \$70,000,000. *Provided*, That the entire amount shall be available only to the extent an official budget request for \$70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit

Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

And:

An additional amount of \$250,000,000 is rescinded as provided in Section 3002 of this Act.

#### AMENDMENT NO. 140

(Purpose: To provide emergency relief to the domestic oil and gas industry)

At the appropriate place in title II of the bill, insert the following:

#### "SEC. . DEDUCTION FOR OIL AND GAS PRODUCTION.

"(a) DEDUCTION.—Subject to the limitations in subsection (c), the Secretary of the Interior shall allow lessees operating one or more qualifying wells on public land to deduct from the amount of royalty otherwise payable to the Secretary on production from a qualifying well, the amount of expenditures made by such lessees after April 1, 1999 to—

"(A) increase oil or gas production from existing wells on public land;

"(B) drill new oil or gas wells on existing leases on public land; or

"(C) explore for oil or gas on public land.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'lessee' means any person to whom the United States issues a lease for oil and gas exploration, production, or development on public land, or any person to whom operating rights in such lease have been assigned;

"(2) the term 'public land' has the same meaning given such term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)); and

"(3) the term 'qualifying well' means any well for the production of natural gas, crude oil, or both that is on public land and—

"(A) has production that is treated as marginal production under section 631A(c)(6) of the Internal Revenue Code of 1986; or

"(B) has been classified as a qualifying well by the Secretary of the Interior for purposes of maximizing the benefits of this section.

"(c) SUNSET.—The Secretary of the Interior shall not allow a deduction under this section after—

"(1) September 30, 2000;

"(2) the thirtieth consecutive day on which the price for West Texas Intermediate crude oil on the New York Mercantile Exchange closes about \$18 per barrel; or

"(3) lessees have deducted a total of \$123,000,000 under this section—whichever occurs first.

"(d) ADMINISTRATIVE COSTS.—For necessary expenses of the Department of the Interior under this section, \$2,000,000 is appropriated to the Secretary of the Interior, to remain available until expended.

"(e) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

"(1) shall be available only to the extent an official budget request for \$125,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, and

"(2) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; and

An additional amount of \$125,000,000 is rescinded as provided in Section 3002 of this Act.

#### AMENDMENT NO. 141

(Purpose: To establish an emergency oil and gas guaranteed loan program)

On page 23, between lines 8 and 9, insert the following:

#### SEC. . PETROLEUM DEVELOPMENT MANAGEMENT.

(a) SHORT TITLE.—This section may be cited as the "Emergency Oil and Gas Guaranteed Loan Program Act".

(b) FINDINGS.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Loan Guarantee Board established by subsection (e).

(2) PROGRAM.—The term "Program" means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) QUALIFIED OIL AND GAS COMPANY.—The term "qualified oil and gas company" means a company that—

(A) is incorporated under the laws of any State;

(B) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators who drill, complete, produce, transport, refine and sell hydrocarbons and their by-products as their main commercial business; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce, who shall serve as Chairperson of the Board;

(B) the Secretary of Labor; and

(C) the Secretary of the Treasury.

(e) AUTHORITY.—

(1) IN GENERAL.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any 1 time under this section shall not exceed \$500,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed \$10,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than \$250,000 may be guaranteed under this section.

(5) EXPEDITIOUS ACTION ON APPLICATIONS.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(f) REQUIREMENTS FOR LOAN GUARANTEES.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office, before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) LOAN SECURITY.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(h) REPORTS.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, \$2,500,000 is appropriated to the Department of Commerce, to remain

available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) **TERMINATION OF GUARANTEE AUTHORITY.**—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) **REGULATORY ACTION.**—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

(l) **EMERGENCY DESIGNATION.**—The entire amount made available to carry out this section—

(1) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that the President submits to Congress a budget request that includes designation of the entire amount of the request as an emergency requirement.

The **PRESIDING OFFICER.** Without objection, the amendments are agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, again, I say to the Senate that I appreciate the consideration of all concerned for having not objected in areas where they might have objected. The bulk of these amendments are amendments we will consider at length with the House. I hope we will be able to convince the House of their merit. We will also consider some of the objections that may be raised from Members of the Senate individually, from the administration, or from the Congressional Budget Office. We will do our best to have a bill that warrants the approval of the Senate.

Mr. REID. Will the manager yield for an inquiry?

Mr. STEVENS. Yes.

Mr. REID. It is my understanding that, other than the Kosovo amendment, there are no other amendments in order; is that true?

Mr. STEVENS. That is not quite true. We still have many amendments on the list. We are led to believe that no other amendments will be raised from that list based on the negotiations we have had so far, with one exception, and I have it in my hand. It is the majority leader's amendment.

#### AMENDMENT NO. 142

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. LOTT, proposes an amendment numbered 142.

At the appropriate place, insert the following:

"that the presiding officer of the Senate should apply all precedents of the Senate

under Rule 16, in effect at the conclusion of the 103rd Congress."

Mr. LOTT. This amendment is a very simple one. In March 1995, the beginning of the 104th Congress, the Senate overturned a ruling of the Chair with respect to legislation on an appropriations bill. Ever since that March day, Senators have not been able to raise a point of order against certain amendments offered to appropriations bills. Any amendment dealing with matters not addressed in the specific appropriations bill would no longer be subject to a point of order and therefore are always in order, regardless of the subject matter.

In this Senator's opinion, once that prohibition was lifted, the appropriations process was weakened by Senators on both sides of the aisle offering nonrelated amendments to very vital and time-sensitive appropriations bills. Having said that, I, along with the chairman of the Appropriations Committee, the ranking minority member and the Democratic leader have been attempting to resolve this and other issues we believe weaken the appropriations process. There are several resolutions pending in the Rules Committee that address some of these issues. However, final committee disposition has not been reached with respect to those resolutions.

Therefore, I think it is time for the Senate to take this first step toward strengthening the appropriations process and reinstating what had been a part of the Senate Rules for well over 100 years. The time is now and I hope all Senators will be able to support this initial but important step to a more responsible legislative process.

Mr. STEVENS. Mr. President, I might say to the Senate that I made the statement that the managers would object to any amendments that were not agreed to on both sides. We made an exception in that case for the leaders' amendments. We have taken the amendments from the distinguished minority leader. This is the last one of the majority leader. I understand there will be objection on the other side. Therefore, I will ask that it be set aside temporarily awaiting the majority leader's return, so he can decide what he wants to do with his amendment. He asked me to offer it.

I also state for the RECORD that although I did agree to make a motion to table on any amendments that were not agreed to on both sides, I made an exception in that situation for my colleague from Alaska, which I had cosponsored. That has been taken care of. My friend from Nevada made a motion to table that. We will let the Senate decide that issue. Other than that, as I understand it, we are in the situation that the last remaining matter is the amendment of the Senator from Texas.

I ask unanimous consent that the amendment of the majority leader be temporarily laid aside.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I give notice to the Senate that following the vote on the tabling motion offered by the Senator from Nevada, I shall ask unanimous consent to vitiate the remainder of the amendments on the list, and the only remaining amendments will be Senator LOTT's amendment and the amendment of the Senator from Texas, the Kosovo amendment, which has to be disposed of one way or another for us to finish this evening. So at this time, does any Member have an amendment they wish to offer?

Mr. President, if not, let me take a couple minutes for myself on the Kosovo question. I am glad the Senator from Virginia has given me this. I was one of those that was invited to the White House this morning. As I approached the problem of listening again to the question of what we should do in Kosovo, I listened to a President that I think has made up his mind to initiate the air war.

I am a very pragmatic Senator. My feeling was that if that was going to go forward, the people who were going to carry out that order deserve the support of this Congress. But I also had the feeling that we should assure ourselves that none of the funds that we have made available to the Department of Defense in the past, or through this bill we are considering now, could be used for initiating a ground war in this area. I so stated to the President that while I had severe reservations about the air war, he is the Commander in Chief, and if he has made the decision that it is going to take place, we have no way to stop that. But we do have a way to signal to the men and women of the Armed Forces that we do understand they are subject to the commands of their Commander in Chief, and when they undertake fulfilling those commands by going outside the United States in particular to carry out the policies of this country, I think they deserve to know that the Congress supports them.

I therefore came back thinking we would have a joint resolution that the President would be asked to sign setting forth those two conditions which were ably set forth by Senator BYRD. Senator BYRD spoke ahead of me at that meeting, and he, strangely enough, made the statement that I had determined I was going to make at the meeting. The situation was that I returned thinking we would have a joint resolution.

We now will have before us a Senate concurrent resolution, which is a form that we all know does not require the signature of the President. I understand that is being done for reasons beyond our control. But we no longer have the resolution Senator BYRD originally discussed, and it is my understanding from talking to Senator BYRD that he has consented to consolidating that into a direct statement of one sentence. I expect that to be offered soon.

The second version I had intended to propose and Senator BYRD did propose

was about the introduction of the Armed Forces of the United States into this area that I understand was to be deleted.

I am now informed by Senators BIDEN and WARNER that there is an agreement that that section will be put back into this concurrent resolution, which will once again contain the prohibition against funds to introduce ground forces of the United States into this area in a nonpermissive environment, meaning in terms of combat or in terms of imminent combat. They could go into a nonpermissive environment to carry out the procedure we thought we might be involved in, in terms of introducing 4,000 troops along with NATO in a peacekeeping effort. Section 2 of this resolution does not address that from the point of view of the intent of this Senator.

But I do want to make it clear that I believe this is probably the most dangerous area of the world for our Armed Forces to be involved. I know really of no place in the world I would fear more, as a pilot flying over those mountains with the ground-to-air defenses that I know exist there, as much as this area of the former Yugoslavia. It is, beyond question, the most complicated area for military activity, far beyond Bosnia and far beyond what we might have contemplated in World War II in Europe in terms of where we operated with American Armed Forces.

This area consumed several Nazi divisions—21. Is that correct, Mr. President? It consumed them, destroyed them, in terms of the action of the partisans in that area.

If this bombing does not bring about a cessation of the genocide we believe is going to take place or is taking place, then it is going to be a very, very difficult problem to decide what to do. And I think the Congress has to be involved before that plan is agreed to by the U.S. representatives and NATO.

Above all, I hope the message will go out to the people who represent this country in connection to NATO, they are not to make agreements about injection of Armed Forces of this country in a ground war before approval of the Congress. That, to me, would be unconscionable. And I am delighted my friends have agreed to put this section 2 in.

Mr. President, I just want to close with this. There is no other word. I used it with the President. I have a "gut feeling," a "deep gut feeling," that we have initiated something which will be very hard to control from now on. This will require the consideration and really the absolute concentration of every American to try to get out of this place without severe loss of life.

I urge the Members of Congress to understand that the President has made this decision. And it is not "if." It is "when." And when it happens, we have to be united behind our Armed Forces. That is all there is to it.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to thank our colleague from Alaska.

There is an important provision we have incorporated in the draft resolution which Senator BIDEN and I have circulated among our colleagues. I think it is important, since it is not at the desk, that I just read it so that it can be reviewed by Senators.

Section 1 remains as I read it.

Section 2, which is a derivative of, again, work by the Senator from Alaska and, indeed, the distinguished Senator from West Virginia—the original concept of this was in drafts prepared by Senator BYRD earlier today. And I shall read it.

None of the funds available to the Department of Defense (including funds appropriated for fiscal year 1999 or prior years) may be used for the introduction of ground forces of the Armed Forces of the United States into the Federal Republic of Yugoslavia (Serbia and Montenegro) in a nonpermissive environment, with the exception of (1) any intelligence or intelligence-related activities or surveillance or the provision of logistical support or (2) any measures necessary to defend the Armed Forces of the United States or NATO allies against an immediate threat or to defend United States citizens in the area described in this resolution.

Mr. STEVENS. Mr. President, will the Senator yield right there?

Mr. WARNER. Yes.

Mr. STEVENS. Mr. President, I believe Senator BYRD is correct that there should be a reporting requirement added to this. But I leave that for us to determine at a later time.

I thank the Senators involved, and, with the reinsertion of section 2, I ask that I be made a cosponsor of the resolution.

Mr. BIDEN. Mr. President, will the Senator yield for a brief comment? Because I know the Senator from West Virginia wishes to speak on this.

I want to be clear. I think the recommendation and the suggestion of the Senator from Alaska, which is consistent with what the Senator from West Virginia and he both said today to the President, is a good idea. I personally am prepared to accept that.

I just add one caveat. I need another 3 or 4 minutes to run the traps. I want to make it clear, I accept this. I accept this personally. I think it makes sense. But I have calls in to several of our colleagues as to whether or not, since they were part of this on our side, they will go with this. I am confident. I believe they will. But I just want to be absolutely clear, and I think we should proceed. But I see the Senator from West Virginia who wishes to speak. I think it is a great and significant commitment that he has made with regard to the nonpermissive piece of this. I think it makes sense.

Mr. STEVENS. Mr. President, I withhold my request to cosponsor until I know the section 2 is in the resolution.

The PRESIDING OFFICER. The Senator from Virginia holds the floor.

Mr. WARNER. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, may I inquire of the Senator how long he thinks it might be before we may be voting?

Mr. STEVENS. Mr. President, the Senator has inquired of me, and I am pleased to say by previous order we shall vote at 6:45 on a motion to table the Murkowski amendment. Following that, we hope to get back to the two other amendments. One is the amendment of the Senator from Texas on Kosovo, and the other one is the distinguished majority leader's amendment. I think we will dispose of them rather quickly and vote on the bill.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak as if in morning business until the time of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. KERRY. Mr. President, I also ask unanimous consent that Brendan O'Donnell of my staff be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### "STORM IN MY MIND"

Mr. KERRY. Mr. President, I want to speak for a few minutes today about a very special young man who has been working in my office as an intern over the last months and someone who has shared endless enthusiasm with me personally and with my staff, and who has taught a great many of us in my office in the extended Kerry political family a very important lesson about the ability of individuals to overcome learning disabilities and about the power of the human spirit.

Brendan O'Donnell has a terrific story to tell. He comes from a wonderful and loving family that has always encouraged him to set his goals high, to pursue his aspirations to the very best of his ability, and to refuse to allow any label or characterization of his potential to stop him. He is a young man who literally does not give up. Brendan's character, his determination, his terrific attitude and positive energy that drive his efforts are really something to behold, Mr. President. They are, in so many ways, the lasting imprint of his father, my friend and the friend of many of us on this side of the aisle, the late Kirk O'Donnell, and of his mother, Kathy Holland O'Donnell.

Kirk O'Donnell, many people may recall, was taken from us far too young, last year. I think all of us would agree that he left a lasting legacy, an imprint on all of our lives. Brendan, of course, will also tell you that one of the people who encourages him and